

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6362. Adulteration and misbranding of tomato puree. U. S. v. 81 Cases of Tomato Puree (and 4 other seizure actions against tomato puree). Decrees of condemnation, 1 decree containing provision for release under bond of the product involved. (F. D. C. Nos. 11611, 11829, 11849, 11850, 11921, 11922. Sample Nos. 51718-F, 60401-F, 60402-F, 65613-F, 65617-F, 65618-F, 66170-F, 66171-F.)

LIBELS FILED: Between January 27 and March 2, 1944, Western District of Washington, District of Massachusetts, District of Connecticut, Northern District of New York.

ALLEGED SHIPMENT: From on or about December 11, 1943, to January 5, 1944, by the A. M. Beebe Co., Inc., Alameda, Salinas, and San Francisco, Calif.

PRODUCT: Tomato puree: 257 cases at Seattle, Wash., 125 cases at New Haven, Conn., 22 cases at Utica, N. Y., 80 cases at Schenectady, N. Y., and 1,450 cartons at Boston, Mass., each containing 6 No. 10 cans.

LABEL, IN PART: (Cans) "Red Sail Tomato Puree Contents 6 Lbs. 8 Oz. Frank Raiter Canning Co., Salinas, Calif. Sales Office G. R. Barth Co. San Francisco, Calif.," or "Net Contents 6 Lbs. 8 Oz. Calirose Brand Tomato Puree."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3) (all lots), the article consisted in whole or in part of a decomposed substance.

Misbranding (Seattle, New Haven, Utica, and Schenectady lots), Section 403 (a), the statement "Net Contents 6 Lbs. 8 Oz." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 2, 1944. The Musolino LoConte Co., Boston, Mass., claimant for the Boston lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. Between February 21 and May 16, 1944, no claimant having appeared for the remaining lots, judgments of condemnation were entered and it was ordered that the New Haven lots be disposed of by distribution of the fit portion to charitable institutions and the unfit portion to a correctional institution, for use other than human consumption, and that the other lots be destroyed.

6363. Adulteration of tomato soup. U. S. v. 1,366 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 11042. Sample No. 48220-F.)

LIBEL FILED: November 9, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 9, 1943, by the H. J. McGrath Co., Baltimore, Md.

PRODUCT: 1,366 cases, each containing 24 cans, of tomato soup at Cleveland, Ohio.

LABEL, IN PART: "Milan Brand Condensed Tomato Soup * * * Distributed by The Wm. Edwards Co. Cleveland, Ohio."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy tomato material, as evidenced by rot fragments and excessive mold count.

DISPOSITION: February 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND POULTRY

6364. Adulteration of frozen, dressed rabbits. U. S. v. 275 Crates of Frozen Dressed Rabbits. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11691. Sample No. 66017-F.)

LIBEL FILED: On or about January 31, 1944, District of New Jersey.